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December 31, 2001

Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, D.C. 20530

Dear Ms. Hesse:

It is my understanding that the public is allowed to comment on the Microsoft settlement. What follows are my comments on this proposed agreement.

I understand that the agreement specifies that Microsoft would have to promptly disclose technical information that enables any Windows operating system to communicate with Microsoft servers and with all Microsoft middleware products. To encourage more non-Microsoft middleware, the settlement forces Microsoft to license any intellectual property rights that others might need to compete with Microsoft. And as with computer manufacturers, Microsoft could not penalize any software developer, service provider, or hardware vendor that develops or sells products that compete with Windows and Microsoft middleware. The net result is that all information technology providers, including Microsoft's competitors, are guaranteed access to technical specifications.

I would add that the antitrust laws were meant to protect consumers, not for certain powerful companies to protect themselves from market competition. ProComp, AOL Time Warner, Sun and Oracle should stop encouraging the government to fight their battles for them in court and fight in the marketplace, where this battle belongs.

Yours truly,

Nancy M. Maupin

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